

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 463

Introduced by Assembly Member Huffman

February 20, 2007

~~An act to amend the heading of Chapter 3.3 (commencing with Section 39630) of, and to add Article 2 (commencing with Section 39640) and the heading of Article 1 (commencing with Section 39630) to Chapter 3.3 of, Part 2 of Division 26 of, the Health and Safety Code, relating to vessels. An act to amend Section 22511.85 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 463, as amended, Huffman. ~~Vessels: California Clean Ferry Act of 2007: air emissions. Vehicles: disabled persons: parking.~~

Existing law authorizes a vehicle that is equipped with a side-loading lift or ramp that is used for the loading and unloading of disabled persons to park in not more than 2 adjacent stalls or spaces in a public off-street parking facility when loading or unloading disabled persons, under specified circumstances.

This bill would make this provision also applicable to a private off-street parking facility.

~~(1) Existing law establishes the State Air Resources Board as having responsibility for the control of motor vehicle emissions and to protect air quality from increasing volumes of cruise ship engine and oceangoing ship engine emissions. The state board is required to adopt standards, rules, and regulations necessary for the proper execution of its powers and duties. Existing law generally provides that a violation of any regulation of the state board is a crime.~~

~~This bill would require all new diesel powered ferries operating in the waters of this state, to meet certain specified air emissions standards. The air emissions standards would be enforced by the state board, and the state board would be authorized to adopt standards, rules, and regulations for that purpose.~~

~~Because this bill would create a new crime, this bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 22511.85 of the Vehicle Code is amended~~
2 ~~to read:~~

3 ~~22511.85. Any~~A vehicle equipped with a side-loading lift or
4 ~~ramp that is used for the loading and unloading of disabled persons~~
5 ~~a disabled person~~ may park in not more than two adjacent stalls
6 ~~or spaces in any a public or private off-street parking facility when~~
7 ~~if the ramp or lift is used for loading or unloading disabled persons~~
8 ~~a disabled person, and~~ if there is no single parking space
9 immediately available within that facility that is suitable for that
10 purpose including, but not limited to, when there is not sufficient
11 space to operate a vehicle lift or ramp or there is not sufficient
12 room for a disabled person to exit the vehicle or maneuver once
13 outside the vehicle.

14 ~~SECTION 1. The heading of Chapter 3.3 (commencing with~~
15 ~~Section 39630) of Part 2 of Division 26 of the Health and Safety~~
16 ~~Code is amended to read:~~

17
18 ~~CHAPTER 3.3. VESSELS~~
19

20 ~~SEC. 2. The heading of Article 1 (commencing with Section~~
21 ~~39630) is added to Chapter 3.3 of Part 2 of Division 26 of the~~
22 ~~Health and Safety Code, to read:~~

1 Article 1. ~~Cruise Ships and Oceangoing Ships~~

2
3 SEC. 3. ~~Article 2 (commencing with Section 39640) is added~~
4 ~~to Chapter 3.3 of Part 2 of Division 26 of the Health and Safety~~
5 ~~Code, to read:~~

6
7 Article 2. ~~The California Clean Ferry Act of 2007~~

8
9 39640. ~~The Legislature finds and declares all of the following:~~

10 (a) ~~It is in the interests of all Californians to protect air quality~~
11 ~~from increasing volumes of diesel-powered ferry engine emissions~~
12 ~~due to expanding fleets.~~

13 (b) ~~While new ferry operations may offer certain benefits to~~
14 ~~Californians, diesel-powered ferry engines emit more air pollution~~
15 ~~per passenger mile than land based transportation modes.~~

16 (c) ~~All new diesel-powered ferries in this state shall meet the~~
17 ~~same air quality standards currently set forth in statutes governing~~
18 ~~the expansion of ferry service in the San Francisco Bay.~~

19 39641. ~~As used in this article, unless the context clearly requires~~
20 ~~a different meaning:~~

21 (a) ~~“Diesel engine” means an internal combustion,~~
22 ~~compression-ignition engine designed to burn diesel fuel.~~

23 (b) ~~“Diesel-powered” means a ferry equipped with and powered~~
24 ~~by a diesel engine.~~

25 (c) ~~“Ferry” means a vessel engaged in the commercial transport~~
26 ~~of passengers with the capacity to transport 75 or more passengers,~~
27 ~~including, but not limited to, ferries engaged in commuter service,~~
28 ~~excursions, charter service, waterborne transit, or emergency~~
29 ~~response service.~~

30 (d) ~~“New ferry” means any of the following:~~

31 (1) ~~A ferry where the engine was installed on or after January~~
32 ~~1, 2008.~~

33 (2) ~~A ferry that had its keel laid on or after January 1, 2008.~~

34 (3) ~~A ferry placed into service for the first time on or after~~
35 ~~January 1, 2008.~~

36 (e) ~~“Waters of this state” means any waters within the territorial~~
37 ~~limits of this state.~~

38 (f) ~~“Recreational vessel” means a vessel that is being used only~~
39 ~~for pleasure.~~

1 ~~39642. (a) Each new diesel-powered ferry operating in the~~
2 ~~waters of this state shall meet the air emissions standards~~
3 ~~established pursuant to Section 65540.27 of the Government Code.~~

4 ~~(b) The state board shall enforce this article and may adopt~~
5 ~~standards, rules, and regulations for that purpose pursuant to~~
6 ~~Section 39601.~~

7 ~~(c) This section shall not apply to recreational vessels, cruise~~
8 ~~ships, and oceangoing vessels.~~

9 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
10 ~~Section 6 of Article XIII B of the California Constitution because~~
11 ~~the only costs that may be incurred by a local agency or school~~
12 ~~district will be incurred because this act creates a new crime or~~
13 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
14 ~~for a crime or infraction, within the meaning of Section 17556 of~~
15 ~~the Government Code, or changes the definition of a crime within~~
16 ~~the meaning of Section 6 of Article XIII B of the California~~
17 ~~Constitution.~~